

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KIMBERLY DELUNA, §  
§  
*Plaintiff,* § CIVIL ACTION NO. 1:23-CV-00167-MJT-ZJH  
v. § JUDGE MICHAEL TRUNCAL  
SPINDLETOP CENTER, OBETTA MILO, §  
§  
*Defendants.* §

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 28, 2023, the Court referred this case to United States Magistrate Judge Zack Hawthorn for pretrial management. [Dkt. 1]. On October 20, 2023, Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint or in the Alternative Motion to Compel Arbitration. [Dkt. 14]. On April 17, 2024, Judge Hawthorn issued a Report and Recommendation, which recommends granting Defendant's Motion to Compel Arbitration because the arbitration agreement at issue is enforceable and Plaintiff Kimberly DeLuna's claims are within the scope of the arbitration agreement. [Dkt. 20 at 5, 7].

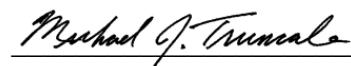
The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is, therefore, ORDERED that Judge Hawthorn's Report and Recommendation granting Defendant's Motion to Compel Arbitration [Dkt. 20] is ADOPTED.

Accordingly, Defendant's Motion to Compel Arbitration [Dkt. 14] is GRANTED. The parties are directed to arbitrate their dispute as outlined in the arbitration agreement. All other pending motions are DENIED AS MOOT.

It is further ORDERED that this case is administratively closed, but this court retains jurisdiction to enforce any arbitration award.

SIGNED this 9th day of May, 2024.



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Michael J. Truncale  
United States District Judge